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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15
16 UNITED STATES OF AMERICA,) CR No.: 05-00752 MAG

17 Plaintiff,) STIPULATION AND [PROPOSED]

18 v.) ORDER EXCLUDING TIME

19 WILLIAM T. CAVAN

20 Defendant.

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22 On November 28, 2005, the parties in this case appeared before the Court for an initial
23 appearance. At that time, the parties stipulated that time should be excluded from the Speedy
24 Trial Act calculations from November 28, 2005 to December 13, 2005. Specifically, Mr. Cohen,
25 counsel for Mr. Cavan, requested the continuance in light of his desire to obtain and review
26 discovery from the government. The parties represented that granting the continuance was the
27 reasonable time necessary for effective preparation of defense counsel, taking into account the
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1 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the
2 ends of justice served by granting such a continuance outweighed the best interests of the public
3 and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

4 SO STIPULATED:

5 KEVIN V. RYAN
6 United States Attorney

7 DATED: 12/7/05
8
9 DEREK R. OWENS
10 Special Assistant United States Attorney

11 JOSH COHEN
12 Attorney for Mr. Cavan

13 As the Court found on November 28, 2005, and for the reasons stated above, the Court finds
14 that an exclusion of time between November 28, 2005 and December 13, 2005 is warranted and
15 that the ends of justice served by the continuance outweigh the best interests of the public and the
16 defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested
17 continuance would deny defense counsel the reasonable time necessary for effective preparation,
18 taking into account the exercise of due diligence, and would result in a miscarriage of justice.

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20 See 18 U.S.C. §3161(h)(8)(B)(iv).

21 SO ORDERED.

22 DATED: December 9, 2005

